

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**MARTHA ZARATE**

**VS.**

**SWIFT TRANSPORTATION CO. OF  
ARIZONA, LLC AND DANIEL POWERS**

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§

**CIVIL ACTION NO. 4:16-cv-00769**

**JURY REQUESTED**

**DEFENDANT'S NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants, SWIFT TRANSPORTATION CO. OF ARIZONA, LLC AND DANIEL POWERS, and hereby give notice of their removal of Cause No. 2016-13003 filed in the 151<sup>st</sup> Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1446.

**Factual Background**

1. On or about May 30, 2014, a two car motor vehicle accident occurred near the intersection of Holcombe Blvd. and Ardmore Street in Harris County, Texas allegedly involving all the parties. Plaintiff claims she was injured when a Swift Transportation truck driven by Daniel Powers struck the driver's side of her vehicle. Plaintiff claims she was injured as a result of this collision and filed suit in state court.

2. Plaintiff filed suit in state court on February 29, 2016. Service of Citation and Complaint was made on Swift Transportation Co. of Arizona, LLC on March 10, 2016. Defendant Daniel Powers was served via the Texas Transportation Commission on March 10, 2016. In Plaintiff's Original Petition there is a monetary claim for damages in an amount greater than \$200,000, which exceeds the jurisdictional minimum. The case has been on file for less than one year. Removal is both timely and appropriate.

### **Basis for Removal and Jurisdiction**

3. This cause may be removed pursuant to 28 U.S.C. § 1441(a). “[A]ny civil action brought in State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . , to the district court of the United States for the district and division embracing the place where such action is pending.” This Court has jurisdiction over this matter under 28 U.S.C. § 1332 because there is complete diversity of citizenship and the amount in controversy is greater than \$75,000.00.

### **Full Diversity Between the Parties**

#### ***Complete Diversity of Citizenship***

4. To have diversity of citizenship, each plaintiff must have a different citizenship from each defendant. 28 U.S.C. § 1332. Complete diversity of citizenship exists between the parties as the Plaintiffs are Texas citizens and none of the Defendants are Texas citizens or corporations.

5. Plaintiff, Martha Zarate, is a resident and citizen of the State of Texas.

6. Defendant, Daniel Powers, is a resident and citizen of the State of Georgia.

7. Defendant, Swift Transportation Co. of Arizona, LLC is an Arizona corporation with its principal place of business in Phoenix, Arizona.

#### ***Amount in Controversy***

8. In order for diversity jurisdiction to exist, the amount in controversy must exceed \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332(a).

9. Plaintiff is seeking more than \$200,000.00 in damages, as stated in their Original Petition.

### **Removal is Timely and Appropriate**

10. If the plaintiff creates diversity jurisdiction sometime after filing the initial complaint, the defendant has one year from the commencement of the suit to remove. 28 U.S.C. § 1446(b). A defendant has 30 days to remove a civil action after receipt of the first pleading or other paper that establishes the jurisdictional grounds. 28 U.S.C. § 1446(b). When diversity is the basis for removal, the defendant can rely on the plaintiff's voluntary assertion of damages within the complaint to meet the monetary jurisdictional requirement for diversity. *S.W.S. Erectors, Inc. v. Infax, Inc.*, 72 F.3d 489, 492 (5th Cir. 1996). "The burden of establishing subject matter jurisdiction in federal court rests on the party seeking to invoke it." *St. Paul Reinsurance Co. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998). Here, Plaintiff's Original Pleading voluntarily asserts an amount in controversy in excess of \$75,000.00. This removal is filed within the thirty (30) days of the service of Plaintiff's Petition. The removal is both timely and appropriate.

### **Jury Demanded**

11. Defendants request that the case be tried before a jury.

### **Consent of All Served Defendants**

12. Defendant Swift Transportation Co. of Arizona, LLC has been properly served and consents to this removal.

13. Defendant Daniel Powers has been properly served and consents to this removal.

### **Compliance with Local Rule and Notice Requirements**

14. Pursuant to 28 U.S.C. § 1446 and Local Rule 81, the following documents are attached to this Notice:

Exhibit A ..... List of Images Filed

Exhibit B ..... Civil Process Request

Exhibit C ..... Civil Case Information Sheet

Exhibit D ..... Plaintiff's Original Petition and Requests for Disclosure

Exhibit E..... Citation of Daniel Powers with certified mail receipt

Exhibit F..... Domestic Return Receipt from the Texas Transportation  
Commission for Daniel Powers

Exhibit G ..... Citation of Swift Transportation Co. of Arizona, LLC with certified  
mail receipt

Exhibit H ..... Domestic Return Receipt from Texas Secretary of State for Swift  
Transportation Co. of Arizona, LLC

Defendants know of no orders signed by the state judge.

15. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this instrument will be given to Plaintiff. A true and correct copy of this Notice of Removal also will be attached as an exhibit with the written Notice of Removal filed with the clerk of the state court.

Respectfully submitted,

/s/ Roger D. Oppenheim

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Roger D. Oppenheim

FBN: 14206

SBN: 15292400

OF COUNSEL:

**LORANCE & THOMPSON, P.C.**

2900 North Loop West, Suite 500

Houston, TX 77092

713/868-5560

713/864-4671 (fax)

[rdo@lorancethompson.com](mailto:rdo@lorancethompson.com)

ATTORNEY FOR DEFENDANTS

SWIFT TRANSPORTATION OF ARIZONA, LLC

AND DANIEL POWERS

**CERTIFICATE OF SERVICE**

On this 23rd day of March, 2016, a true and correct copy of the foregoing instrument has been provided to all parties by e-filing and/or telefax transmission.

Mr. Wade Moriarty  
The Crim Law Firm, PC  
4900 Travis Street  
Houston, TX 77002  
[wade@thecrimlawfirm.com](mailto:wade@thecrimlawfirm.com)

/s/ Roger D. Oppenheim

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Roger D. Oppenheim

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**MARTHA ZARATE**

**VS.**

**SWIFT TRANSPORTATION CO. OF  
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**CIVIL ACTION NO. 4:16-cv-00769**

**JURY REQUESTED**

**INDEX OF MATTERS BEING FILED**

Defendants, SWIFT TRANSPORTATION CO. OF ARIZONA, LLC AND DANIEL POWERS, in connection with the removal of this case to the United States District Court for the Southern District of Texas, Houston Division, file their index of matters, as follows:

Exhibit A ..... List of Images Filed

Exhibit B ..... Civil Process Request

Exhibit C ..... Civil Case Information Sheet

Exhibit D ..... Plaintiff's Original Petition and Requests for Disclosure

Exhibit E..... Citation of Daniel Powers with certified mail receipt

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Commission for Daniel Powers

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The Crim Law Firm, PC

4900 Travis Street

Houston, TX 77002

[wade@thecrimlawfirm.com](mailto:wade@thecrimlawfirm.com)

/s/ Roger D. Oppenheim

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Roger D. Oppenheim

**201613003 - ZARATE, MARTHA vs. SWIFT TRANSPORTATION CO OF ARIZONA LLC**  
(Court 151)Chronological Print  
History All   
(non-financial)

Summary	Appeals	Cost Statements	Transfers	Post Trial Writs	Abstracts	Parties
Court Costs	Judgments/Events	Settings	Services/Notices	Court Registry	Child Support	Images

\* Note: Only non-confidential public civil/criminal documents are available to the Public. All non-confidential Civil documents are imaged. In Family Cases, select non-confidential documents and all e-filings are available in electronic format (not every document is available for electronic viewing and a document may be filed in the case that is not viewable electronically). In Criminal Cases, select non-confidential documents are available in electronic format (not every document is available for electronic viewing and a document may be filed in the case that is not viewable electronically). If the case or Civil document you are looking for is not available and should be, please click here to notify Customer Service.

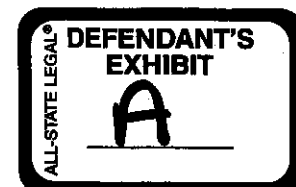
You may print and save uncertified copies of documents from the preview window.

Purchase Order  
( 0 documents )

Print List

Image No.	Title	[Reset Sort]	Post Jdgm	Date	Pages	Add Entire Case
69399684	Domestic Return Receipt			03/15/2016	1	Add to Basket
69399675	Domestic Return Receipt			03/14/2016	1	Add to Basket
69363822	Certified Mail Receipt			03/08/2016	1	Add to Basket
69363825	Certified Mail Receipt			03/08/2016	1	Add to Basket
69305170	Certified Mail Tracking Number 7012 3460 0002 8569 6731			03/02/2016	1	Add to Basket
69316886	Certified Mail Tracking Number 7012 3460 0002 8569 6724			03/02/2016	1	Add to Basket
69198361	Plaintiffs Original Petition And Request For Disclosure			02/29/2016	8	Add to Basket
69198362	Civil Case Information Sheet			02/29/2016	1	Add to Basket
69198363	Civil Process Request			02/29/2016	2	Add to Basket

[WS6]





2/29/2016 6:34:11 PM  
 Chris Daniel - District Clerk  
 Harris County  
 Envelope No: 9360767  
 By: GARIBAY, ARIANA M  
 Filed: 2/29/2016 6:34:11 PM

# CIVIL PROCESS REQUEST

## 2016-13003 / Court: 151

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING  
 FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Plaintiff's Original Petition and Requests for Disclosure

FILE DATE OF MOTION: 2/29/16  
 \_\_\_\_\_  
 Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: DANIEL POWERS

ADDRESS: 125 East 11th Street, Austin, Texas, 78701 in Travis County. or wherever IT may be found

AGENT, (if applicable): Chair of the Texas Transportation Commission

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE  
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_  
☐ MAIL ☒ CERTIFIED MAIL  
☐ PUBLICATION:  
 Type of Publication: ☐ COURTHOUSE DOOR, or  
☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_  
☐ OTHER, explain \_\_\_\_\_

\*\*\*\*\*

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2. NAME: Swift Transportation Co. Of Arizona, LLC

ADDRESS: 1999 Bryan St Ste 900, Dallas, TX 75201 or wherever he may be found.

AGENT, (if applicable): National Registered Agents, Inc.

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE  
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_  
☐ MAIL ☒ CERTIFIED MAIL  
☐ PUBLICATION:  
 Type of Publication: ☐ COURTHOUSE DOOR, or  
☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_  
☐ OTHER, explain \_\_\_\_\_

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

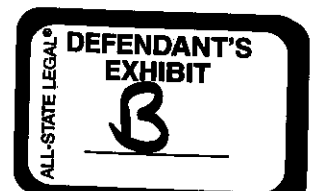
NAME: Wade D. Moriarty TEXAS BAR NO./ID NO. 00789503

MAILING ADDRESS: 4900 Travis Street, Houston, Texas 77002

PHONE NUMBER: 713 807-7800 FAX NUMBER: 713 807-8852  
 area code phone number area code fax number

EMAIL ADDRESS: Wade@TheCrimLawFirm.com

Certified Document Number: 69198363 - Page 1 of 2



SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

\_\_\_\_\_ AMENDED PETITION

\_\_\_\_\_ SUPPLEMENTAL PETITION

COUNTERCLAIM

\_\_\_\_\_ AMENDED COUNTERCLAIM

\_\_\_\_\_ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

\_\_\_\_\_ AMENDED CROSS-ACTION

\_\_\_\_\_ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

\_\_\_\_\_ AMENDED THIRD-PARTY PETITION

\_\_\_\_\_ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

\_\_\_\_\_ AMENDED INTERVENTION

\_\_\_\_\_ SUPPLEMENTAL INTERVENTION

INTERPLEADER

\_\_\_\_\_ AMENDED INTERPLEADER

\_\_\_\_\_ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: \_\_\_\_\_  
(specify)

MOTION TO: \_\_\_\_\_  
(specify)

PROCESS TYPES:

NON WRIT:

CITATION

ALIAS CITATION

PLURIES CITATION

SECRETARY OF STATE CITATION

COMMISSIONER OF INSURANCE

HIGHWAY COMMISSIONER

CITATION BY PUBLICATION

NOTICE

SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)

RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)

ATTACHMENT (WITNESS)

ATTACHMENT (PERSON)

CERTIORARI

EXECUTION

EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT

GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS

INJUNCTION

TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)

PROTECTIVE ORDER (CIVIL CODE)

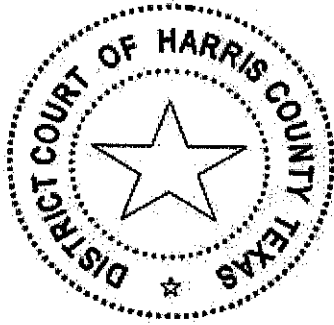
POSSESSION (PERSON)

POSSESSION (PROPERTY)

SCIRE FACIAS

SEQUESTRATION

SUPERSEDEAS



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office this March 17, 2016

Certified Document Number: 69198363 Total Pages: 2

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

## CIVIL CASE INFORMATION SHEET (REV. 2/13)

2/29/2016 6:34:11 PM

Chris Daniel - District Clerk

Harris County

Envelope No: 9360767

By: GARIBAY, ARIANA M

FILED 2/29/2016 6:34:11 PM

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED MARTHA ZARATE VS SWIFT TRANSPORTATION CO. OF ARIZONA, LLC AND

2016-13003 / Court: 151

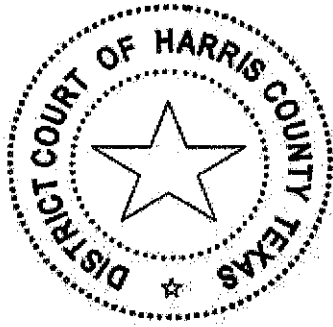
(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b> Name: <u>Paul Wyatt</u> Email: <u>Paul@thecrimlawfirm.com</u> Address: <u>4900 Travis St.</u> Telephone: <u>(713) 807-7800</u> City/State/Zip: <u>Houston, TX 77002</u> Fax: <u>(713) 807-8434</u> Signature: <u>/s/ Paul Wyatt</u> State Bar No: <u>24090480</u>		<b>Names of parties in case:</b> Plaintiff(s)/Petitioner(s): <u>MARTHA ZARATE</u> Defendant(s)/Respondent(s): <u>SWIFT TRANSPORTATION CO. OF ARIZONA, LLC AND DANIEL POWERS</u> [Attach additional page as necessary to list all parties]		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<b>Civil</b>			<b>Family Law</b>		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:		<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:			
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
<b>4. Indicate damages sought (do not select if it is a family law case):</b> <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

Certified Document Number: 69198362 - Page 1 of 1





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office this March 17, 2016

Certified Document Number: 69198362 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

2/29/2016 6:34:11 PM  
Chris Daniel - District Clerk Harris County  
Envelope No. 9360767  
By: Ariana Garibay  
Filed: 2/29/2016 6:34:11 PM

2016-13003 / Court: 151

CAUSE NO. \_\_\_\_\_

MARTHA ZARATE	§	IN THE DISTRICT COURT OF
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
	§	
SWIFT TRANSPORTATION CO.	§	
OF ARIZONA, LLC AND	§	
DANIEL POWERS	§	____ JUDICIAL DISTRICT

---

**PLAINTIFF'S ORIGINAL PETITION AND REQUESTS FOR DISCLOSURE**

---

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES, Plaintiff, Martha Zarate ("Plaintiff"), complaining of Swift Transportation Co. Of Arizona, LLC ("Defendant Swift"), and Daniel Powers ("Defendant Powers"), (collectively "Defendants") and for cause of action would respectfully show:

**I.**

Plaintiff intends to conduct discovery under Level II, pursuant to 190.3 of the TEXAS RULES OF CIVIL PROCEDURE.

**II.**

Plaintiff is a resident of Harris County, Texas. The last three numbers of Plaintiff's Texas driver's license number are 183, and the last three numbers of her social security number are 199.

**Plaintiff's Original Petition and Requests for Disclosure**

- 1 -



Defendant, Swift Transportation Co. Of Arizona, LLC is a foreign company doing business in the State of Texas; service upon this Defendant may be had by serving its registered agent, National Registered Agents, Inc., 1999 Bryan St Ste 900, Dallas, TX 75201 or wherever he may be found.

The Defendant, Daniel Powers, is a "non-resident" individual as that term is defined and understood under §17.041 of the Texas Civil Practice and Remedies Code. Accordingly, for purpose of securing service of process on the Defendant, Daniel Powers, the Plaintiff pleads and will prove the following:

- a. The Defendant, Daniel Powers, was the operator of a vehicle involved in an automobile accident on May 30, 2014 in this state; and
- b. At the time of the institution of this litigation, the Defendant, Daniel Powers, was a "non-resident" as that term is defined and understood under §17.041 of the Texas Civil Practice and Remedies Code.

Accordingly, pursuant to §17.062 of the Texas Civil Practice and Remedies Code, the Chair of the Texas Transportation Commission is the agent for service of process on the Defendant, Daniel Powers, and service on the Defendant, Daniel Powers, may be obtained by serving the Chair of the Texas Transportation Commission at 125 East 11th Street, Austin, Texas, 78701 in Travis County.

Notice to the Defendant, Daniel Powers, of service of process on the Chair of the Texas Transportation Commission may be made, pursuant to §17.063 of the Texas Civil Practice and Remedies Code, by mailing a copy of the process and notice that the process has been served on the Chair by registered mail or certified mail, return receipt requested to the Defendant, Daniel Powers, at 54 Angie St. Riceboro, GA 31323, or wherever he may be found.

**Plaintiff's Original Petition and Requests for Disclosure**

This incident occurred in Harris County, Texas.

### **III.**

Damages sought are within the jurisdictional limits of this Court. Plaintiff seeks monetary relief of over \$200,000, but not more than \$1,000,000.

This Court has jurisdiction and venue is proper in Harris County, Texas pursuant to Tex. Civ. Prac. & Rem. Code §15.002(a)(1) because all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County, Texas.

### **IV.**

On or about May 30, 2014, Plaintiff was the driver of a vehicle on Holcombe and Ardmore when, suddenly and without warning, Defendant Swift's employee and/or agent, Defendant Powers, made an unsafe turn into the path of Plaintiff's vehicle causing a collision. Based on information and belief, at all times material to this lawsuit, Defendant Powers was an employee or agent of and engaged in the furtherance of the business of and in the course and scope of employment or agency relationship with the Defendant Swift. As a result of the incident, Plaintiff sustained serious personal injuries.

**Plaintiff's Original Petition and Requests for Disclosure**



V.

Defendant Swift and its agents, officers, and employees, for whose acts and omissions constituting negligence and negligence per se, and such acts and omissions, among others, are as follows:

- (a) In failing to properly screen, test, and qualify drivers, specifically including Defendant Powers, so as to provide for safe operation of a vehicle such as the one involved in the occurrence in question;
- (b) In hiring, employing, and/or retaining drivers, specifically including Defendant Powers, who lacked proper screening, testing, training and qualifications so as to provide for safe operation of vehicles such as the one involved in the occurrence in question;
- (c) In failing to properly train and supervise drivers, specifically including Defendant Powers, so as to provide for safe operation of vehicles such as the one involved in the occurrence in question; and
- (d) In failing to properly implement and enforce policies, procedures, and protocols to properly screen, test, train, qualify, supervise, and retain drivers to operate vehicles such as the one involved in the occurrence in question.

Each of these acts or omissions, singularly or collectively, constituted negligence, which proximately caused the occurrence made the basis of this suit and the resulting injuries and damages to Plaintiff.

**Plaintiff's Original Petition and Requests for Disclosure**

**VI.**

On the occasion in question, Defendant Powers, violated his duty to exercise ordinary care in the operation of the motor vehicle and was negligent in one or more of the following particulars:

- (a) in failing to keep a proper lookout;
- (b) in failing to apply or timely apply the brakes;
- (c) in failing to yield the right of way;
- (d) in failing to maintain an assured clear distance between Defendant's vehicle and Plaintiff's vehicle;
- (e) in failing to control the speed of Defendant's vehicle;
- (f) in failing to maintain control of Defendant's vehicle; and
- (g) in failing to exercise ordinary care as a reasonably prudent person would have done under the same or similar circumstances.

Each of these acts or omissions, singularly or collectively, constituted negligence, which proximately caused the occurrence made the basis of this suit and the resulting injuries and damages to Plaintiff.

At all times material hereto, all of the agents, servants, and employees for Defendant Swift, including but not limited to Defendant Powers, who were connected with the occurrence made the subject of this cause of action were acting within the course and scope of their employment or agency relationship or official duties and in furtherance of the duties of their employment or agency or office; and these agents, servants, and employees were acting in a managerial capacity or as vice-principals, and the acts committed by them, were authorized, approved, and ratified by the Defendant Swift. Thus, Defendant Swift is vicariously liable for the acts and/or omissions of Defendant Powers under the doctrine of respondeat superior.

**Plaintiff's Original Petition and Requests for Disclosure**

**VII.**

All of the facts stated in this pleading are incorporated herein as if fully set forth. The actions, conduct and/or omissions of Defendant Powers were a violation of state law and/or local regulations and/or ordinances and as such constitute negligence per se.

Each of these acts or omissions, singularly or collectively, constituted negligence, which proximately caused the occurrence made the basis of this suit and the resulting injuries and damages to Plaintiff.

**VIII.**

As a direct and proximate result of the aforementioned acts and omissions of negligence by the Defendants, Plaintiff sustained the following damages for which she is legally entitled to recover:

1. Necessary and reasonable medical expenses, past and future;
2. Physical pain and mental anguish, past and future;
3. Physical impairment, past and future;
4. Disfigurement, past and future;
5. Loss of income and reduced wage earning capacity, past and future; and
6. Pre-judgment interest and costs of Court.

If it be found that Plaintiff was suffering from any predispositions, conditions or bodily infirmities prior to the date of the collision, Plaintiff would show unto the Court and jury that the same was neither disabling nor painful, but that as a result of the injuries suffered by Plaintiff on such occasion, and the effects thereof, the same had been incited, accelerated, and aggravated to such an extent that they have now become painful and disabling as described herein.

**Plaintiff's Original Petition and Requests for Disclosure**

**IX.**

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose the information and material described in Rule 194.2 within fifty (50) days of the service of this request.

**X.**

Please take notice that, pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, for purposes of self-authentication, any and all documents produced by Defendants to Plaintiff in response to written discovery will be used against Defendants at any pretrial proceeding or at trial.

**XI.**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein; that upon trial hereof, Plaintiff has judgment of the Court against such Defendants in a total amount of money substantially in excess of the minimum jurisdictional limit of this Court, together with prejudgment and post-judgment interest as provided by applicable laws; for all costs of court; and for all such other and further relief, both general and special, legal and equitable, to which Plaintiff may show herself justly entitled.

**Plaintiff's Original Petition and Requests for Disclosure**

Respectfully submitted,

**THE CRIM LAW FIRM, P.C.**

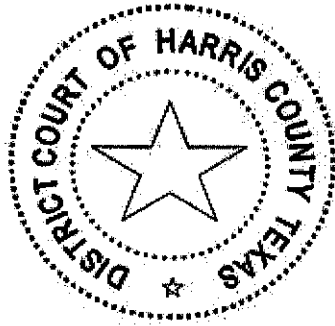
/s/ *Wade D. Moriarty*

Wade D. Moriarty  
Texas Bar No. 00789503  
4900 Travis St.  
Houston, Texas 77002  
(713)-807-7800 Telephone  
(713)-807-8434 Facsimile  
Wade@TheCrimLawFirm.com

**ATTORNEY FOR PLAINTIFF  
MARTHA ZARATE**

**Plaintiff's Original Petition and Requests for Disclosure**

**- 8 -**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this March 17, 2016

Certified Document Number: 69198361 Total Pages: 8

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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NC

CAUSE NO. 201613003

CONFIRMED FILE DATE: 3/2/2016

RECEIPT NO.

75.00

CTM

\*\*\*\*\*

TR # 73222527

PLAINTIFF: ZARATE, MARTHA  
vs.

DEFENDANT: SWIFT TRANSPORTATION CO OF ARIZONA LLC

In The 151st  
Judicial District Court  
of Harris County, Texas  
151ST DISTRICT COURT  
Houston, TX

## CITATION (CERTIFIED)

THE STATE OF TEXAS  
County of HarrisTO: POWERS, DANIEL BY SERVING THE CHAIR OF THE TEXAS TRANSPORTATION  
COMMISSION AT 125 EAST 11TH STREET AUSTIN TEXAS 78701  
OR WHEREVER IT MAY BE FOUND

FORWARD TO:

54 ANGIE ST RICEBORO GA 31323

**FILED**Chris Daniel  
District Clerk

MAR 02 2016

Time:

Harris County, Texas

By

Deputy

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

This instrument was filed on the 29th day of February, 2016, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

## TO OFFICER SERVING:

This citation was issued on 2nd day of March, 2016, under my hand and seal of said Court.

Issued at request of:MORIARTY, WADE D.  
4900 TRAVIS STREET  
HOUSTON, TX 77002  
Tel: (713) 807-7800  
Bar No.: 789503

CHRIS DANIEL, District Clerk

Harris County, Texas

4901 Caroline Houston, Texas 77002

P.O. Box 4651, Houston, Texas 77210

GENERATED BY: CHAMBERS, WANDA RENE ULW//10322498

## CLERK'S RETURN BY MAILING

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE to the following addressee at address:

ADDRESSEE

## ADDRESS

Service was executed in accordance with Rule 106(a) (2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at \_\_\_\_\_

on \_\_\_\_\_ day of \_\_\_\_\_  
by U.S. Postal delivery to \_\_\_\_\_

This citation was not executed for the following reason: \_\_\_\_\_

CHRIS DANIEL, District Clerk  
HARRIS COUNTY, T E X A S

By \_\_\_\_\_, Deputy

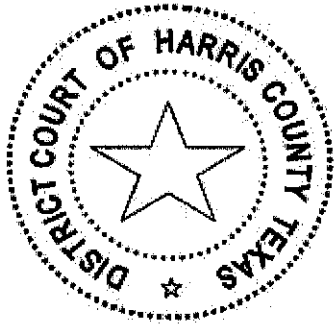
RECORDER'S MEMORANDUM  
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Certified Document Number: 69305170 - Page 1 of 1

N.INT.CITM.P

ALL-STATE LEGAL®  
DEFENDANT'S  
EXHIBIT

E



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this March 17, 2016

Certified Document Number: 69305170 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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UNFILED FILE DATE: 5/8/2016

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Restricted Delivery Fee (Endorsement Required)	7.89

POWERS, DANIEL BY SERVING THE CHAIR OF THE  
 TEXAS TRANSPORTATION COMMISSION  
 125 EAST 11<sup>TH</sup> STREET  
 AUSTIN, TEXAS 78701

2016-13003 1516T

PS Form 3800, August 2006 See Reverse for Instructions

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 Chris Daniel  
 Clerk

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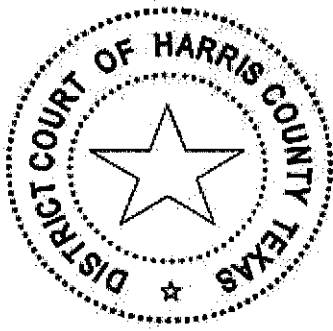
**Important Reminders:**

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- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on this Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

**RECORDER'S MEMORANDUM**  
 This instrument is of poor quality  
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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
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Certified Document Number: 69363822 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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**FILED**Chris Daniel  
District Clerk

MAR 14 2016

Time:

Harris County, Texas

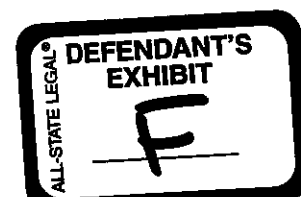
By

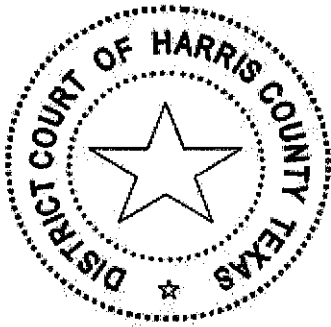
Deputy

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1</p> <p>POWERS, DANIEL BY SERVING THE CHAIR OF THE TEXAS TRANSPORTATION COMMISSION 125 EAST 11<sup>TH</sup> STREET AUSTIN, TEXAS 78701</p> <p>296-13003 151</p> <p>9590 9402 1377 5285 4268 91</p> <p>Postnet barcode: 7012 3460 0002 8569 6731</p>	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Randall Todd</i> Date of delivery <i>MAR 10 2016</i></p> <p>D. Is delivery address different from the return address? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
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<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
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PS Form 3811, July 2015 PSN 7530-02-000-9053

USPS TRACKING #	
<p>9590 9402 1377 5285 4268 91</p> <p>United States Postal Service</p> <p>2016 MAR 14 AM 8:42</p> <p>CHRIS DANIEL, DISTRICT CLERK HARRIS COUNTY, TEXAS CIVIL INTAKE P.O. BOX 4651 HOUSTON, TEXAS 77210</p>	<p>First-Class Mail Postage &amp; Fees Paid USPS Permit No. G-10</p> <p>RECORDER'S MEMORANDUM This instrument is of poor quality at the time of imaging</p>





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
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Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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CAUSE NO. 201613003

RECEIPT NO.

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\*\*\*\*\*

TR # 73222525

PLAINTIFF: ZARATE, MARTHA  
vs.

DEFENDANT: SWIFT TRANSPORTATION CO OF ARIZONA LLC

In The 151st  
Judicial District Court  
of Harris County, Texas  
151ST DISTRICT COURT  
Houston, TX

CONFIRMED FILE DATE: 3/2/2016

## CITATION (CERTIFIED)

THE STATE OF TEXAS  
County of HarrisTO: SWIFT TRANSPORTATION CO OF ARIZONA LLC BY SERVING ITS REGISTERED AGENT  
NATIONAL REGISTERED AGENTS INC  
OR WHEREVER HE MAY BE FOUND  
1999 BRYAN ST STE 900 DALLAS TX 75201**FILED**  
Chris Daniel  
District ClerkDate: MAR 02 2016  
By: Harris County, Texas  
DeputyAttached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSUREThis instrument was filed on the 29th day of February, 2016, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

## TO OFFICER SERVING:

This citation was issued on 2nd day of March, 2016, under my hand and seal of said Court.

Issued at request of:MORIARTY, WADE D.  
4900 TRAVIS STREET  
HOUSTON, TX 77002  
Tel: (713) 807-7800  
Bar No.: 789503CHRIS DANIEL, District Clerk  
Harris County, Texas  
4904 Caroline Houston, Texas 7706  
P.O. Box 4651, Houston, Texas 77210

GENERATED BY: CHAMBERS, WANDA RENE ULW//10322498

## CLERK'S RETURN BY MAILING

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE to the following addressee at address:

ADDRESSEE

## ADDRESS

Service was executed in accordance with Rule 106(a)  
(2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at \_\_\_\_\_on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
by U.S. Postal delivery to \_\_\_\_\_**RECORDER'S MEMORANDUM**  
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This citation was not executed for the following reason: \_\_\_\_\_

CHRIS DANIEL, District Clerk  
HARRIS COUNTY, T E X A S

By \_\_\_\_\_, De

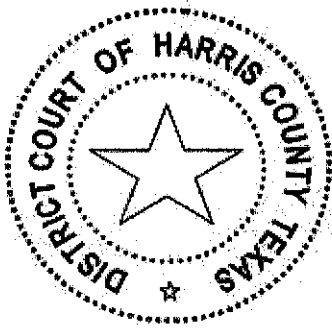
Certified Document Number: 69316886 - Page 1 of 1

N.INT.CITM.P

TXSD

**DEFENDANT'S  
EXHIBIT**

G



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this March 17, 2016

Certified Document Number: 69316886 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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CONFIRMED FILE DATE: 3/8/2016

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SWIFT TRANSPORTATION CO OF ARIZONA LLC BY  
 SERVING ITS REG. AGENT NATIONAL REGISTERED  
 AGENTS INC  
 1999 BRYAN ST STE 900  
 DALLAS, TEXAS 75201

2016-13003 151ST

PS Form 3800, August 2006

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 Chris Daniel  
 District Clerk

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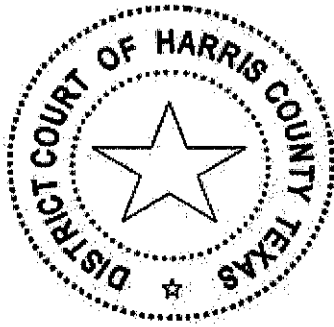
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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

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PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

**RECORDER'S MEMORANDUM**  
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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
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this March 17, 2016


Certified Document Number: 69363825 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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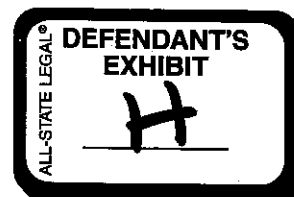


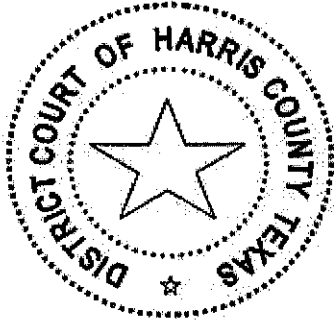
CONFIRMED FILE DATE: 3/15/2016

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>SWIFT TRANSPORTATION CO OF ARIZONA LLC BY SERVING ITS REG. AGENT NATIONAL REGISTERED AGENTS INC 1999 BRYAN ST STE 900 DALLAS, TEXAS 75201</p> <p>2016-13 003 - 151</p> <p>9590 9402 1377 5285 4269 21</p> <p>2. Article Number (Transfer from sender label)</p> <p>7012 3460 0002 8569 6724 111</p>		<p>A. Signature</p> <p>X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>MAR 10 2016</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7630-02-000-9053 Domestic Return Receipt

USPS TRACKING#	
<p>9590 9402 1377 5285 4269 21</p> <p>United States Postal Service</p> <p><b>FILED</b></p> <p>Chris Daniel District Clerk</p> <p>MAR 15 2016</p> <p>Time: _____ Harris County, Texas</p> <p>By _____ Deputy</p>	<p>First-Class Mail Postage &amp; Fees Paid USPS Permit No. G-10</p> <p>• Sender: Please print your name, address, and ZIP+4® in this box•</p> <p>CHRIS DANIEL, DISTRICT CLERK HARRIS COUNTY, TEXAS CIVIL INTAKE P.O. BOX 4651 HOUSTON, TEXAS 77210</p> <p>RECORDER'S MEMORANDUM This instrument is of poor quality at the time of imaging</p>





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this March 17, 2016

Certified Document Number: 69399684 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**MARTHA ZARATE**

**VS.**

**SWIFT TRANSPORTATION CO. OF  
ARIZONA, LLC AND DANIEL POWERS**

§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 4:16-cv-00769**

**JURY REQUESTED**

**LIST OF PARTIES, COUNSEL OF RECORD AND STATUS**

**PLAINTIFF:**

Martha Zarate

**DEFENDANTS:**

Swift Transportation Co. of Arizona, LLC  
Daniel Powers

**ATTORNEYS:**

**ATTORNEY FOR PLAINTIFF:**

Wade Moriarty  
SBN: 00789503  
FBN:  
**THE CRIM LAW FIRM, PC**  
4900 Travis Street  
Houston, TX 77002  
713/807-7800  
713/807-8434 (fax)  
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**STATUS OF REMOVED CASE:**

February 29, 2016      Plaintiff's Original Petition and Requests for Disclosure

March 23, 2016      Defendants' Notice of Removal

Defendants, Swift Transportation Co. of Arizona, LLC and Daniel Powers, have been served with the Plaintiff's Original Petition and Requests for Disclosure. Neither parties have filed responses to written discovery. No depositions have been taken. The matter has not been mediated. The case has no trial setting or other court ordered deadlines.

Respectfully submitted,

/s/ Roger D. Oppenheim

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ATTORNEY FOR DEFENDANTS

SWIFT TRANSPORTATION OF ARIZONA, LLC

AND DANIEL POWERS

**CERTIFICATE OF SERVICE**

On this 23rd day of March, 2016, a true and correct copy of the foregoing instrument has been provided to all parties by e-filing and/or telefax transmission.

Mr. Wade Moriarty

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/s/ Roger D. Oppenheim

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